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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,175	03/03/2004	Andrea Finke-Anlauff	042933/275300	3770
826 7590 03/09/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER SHRESTHA, KIRAN K	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/792,175

Applicant(s)

FINKE-ANLAUFF ET AL.

Examiner

Kiran K. Shrestha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/04; 08/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the original filing of November 17, 2003. Claims 1, 26, 29 and 35 are independent claims. Claims 1-35 are pending and have been considered below.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 08/23/2004 and 08/18/2005 were filed after the mailing date of the application on 03/03/2004. The submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. DVD, ROM, Java, etc.) throughout the specification without first including a description in plain text, as required. Appropriate correction is required.

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4. Specification is objected to because related co-pending application, given in the specification needs to be updated by including the U.S. Patent Application Serial number (10/715,162).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims of instant application (10/792175) 1, 21, 24, and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 5, 7, 11, and 13 of copending Application No. 10/715,162. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason set forth hereinbelow.

Claims of instant application 10/792,175 are essentially the same as claims of copending application 10/715,162 except that the instant application recites "timeline view that is presented in combination with media view and provides access to media files." The copending application has "time bar that divides time segments having a size."

It would have been obvious to a person of ordinary skill in art at the time of the invention was made to display timeline view that combine with media view and media file.

Claim Objections

6. Claim 4 is objected to because of the following informalities: the period at the end of the claim is missing. Appropriate correction is required.
7. Claim 17 is objected to because of the following informalities: it should have used "period" instead of "comma". Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an application for providing access to media file does not reasonably provide enablement for a computer readable medium providing access. The application in this claim consists of a single structural limitation: "computer readable storage medium", and thus is interpreted as a single means/single step claim under MPEP 2164.08(a).

"A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated

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property (result) while the specification discloses at most only those known to the inventor."

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothmuller et al. (Rothmuller hereinafter) (International Pub No. WO 02/057959 A2).

Claim 1: Rothmuller discloses an application for providing access to media files on a digital device, the application comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media files with a period of time (Fig. 1 and Page 2, Lines 13-19); and

second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline (Fig.3; Page 7, lines 27-31 & page 8, lines 1-3).

Claim 2: Rothmuller discloses the application of claim 1, wherein the first instructions for generating the media view further associates the at least one digital media file with event information (page 6, lines 20-25).

Claim 3: Rothmuller discloses the application of claim 2, wherein the second instructions for generating a timeline view further provides access to the at least one digital media file according to events in the timeline (page 5, lines 18-25).

Claim 4: Rothmuller discloses the application of claim 1, wherein the first instructions associates the least one digital media file with a period of time that is defined by metadata associated with the at least one digital media file (page 7, lines 4-15).

Claim 5: Rothmuller discloses the application of claim 1, wherein the first instructions further includes instructions for generating title information for the at least one digital media file (page 6, lines 9-13).

Claim 6: Rothmuller discloses the application of claim 5, wherein the first instructions for generating title information further includes instructions for displaying, in the media view, the title information in conjunction with the at least one digital media file (page 12, lines 4-9).

Claim 7: Rothmuller discloses the application of claim 5, wherein the first instructions for generating title information for the at least one digital media file defines the title information by metadata associated with the at least one media file (page 12, lines 4-13).

Claim 8: Rothmuller discloses the application of claim 1, wherein the first instructions further includes instructions for generating group title information for a plurality of digital media files having related metadata information (page 6, lines 9-20).

Claim 9: Rothmuller discloses the application of claim 8, wherein the first instructions for generating group title information further includes instructions for displaying, in the media view, the group title information in conjunction with the plurality of digital media files (page 12, lines 4-13).

Claim 10: Rothmuller discloses the application of claim 8, wherein the first instructions for generating group title information for the plurality of digital media files defines the

group title information by comparable metadata associated with the plurality of digital media files (page 6, lines 3-14).

Claim 11: Rothmuller discloses the application of claim 1, wherein the second instructions for generating the timeline view further provides for instructions for generating a scrollable timeline that provides for locating periods of time by scrolling the timeline (Fig. 3 and page 7, lines 27-31).

Claim 12: Rothmuller discloses the application of claim 11, wherein the second instructions for generating the timeline view further provides for generating a scrollable timeline that is scrollable in a horizontal manner (Fig. 3 and page 7, lines 27-31).

Claim 13: Rothmuller discloses the application of claim 11, wherein the second instructions for generating the timeline view further provides for generating a scrollable timeline that is scrollable in a vertical manner (Fig. 3 and page 8, lines 27-31).

Claim 14: Rothmuller discloses the application of claim 1, wherein the first instructions for generating the media view further provides for instructions for generating a scrollable media view for locating media files by scrolling the media view as Fig. 1, which shows the time handle/arrows to scroll the time period or media view (Fig. 1).

Claim 15: Rothmuller discloses the application of claim 14, wherein the first instructions for generating the media view further provides for generating a scrollable media view that is scrollable in a horizontal manner (Fig. 3 and page 7, lines 27-31).

Claim 16: Rothmuller discloses the application of claim 14, wherein the first instructions for generating the media view further provides for generating a scrollable media view that is scrollable in a vertical manner (Fig. 3 and page 8, lines 27-31).

Claim 17: Rothmuller discloses the application of claim 1, wherein the first instructions for generating the media view and the second instructions for generating a timeline view further provide for instructions for generating a scrollable media view and a scrollable timeline view that provide for locating one or more media files by scrolling as Fig. 1, which shows the time handle/arrows to scroll the time period or media files (Fig. 1).

Claim 18: Rothmuller discloses the application of claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view further provide for instructions for scrolling the media view in a horizontal manner and scrolling the timeline view in a horizontal manner (Fig. 1 and Fig. 3).

Claim 19: Rothmuller discloses the application of claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view further provide for instructions for scrolling the media view in a vertical

manner and scrolling the timeline view in a vertical manner (Page 8, lines 27-31 and Page 9, lines 1-14).

Claim 20: Rothmuller discloses the application of claim 1, wherein the second instructions for generating a timeline view further provides for instructions for generating a timeline in the form of a time bar as Fig. 1, which shows the time handle/arrows to scroll the time bar or media files (Fig. 1).

Claim 21: Rothmuller discloses the application of claim 1, wherein the second instructions for generating a timeline view further provides for instructions for generating a time handle that provides for the timeline to be scrolled as Fig. 1 and Fig. 3, which shows the time handle to scroll the time periods (Fig. 1 & Fig. 3).

Claim 22: Rothmuller discloses the application of claim 1, further comprising third instructions for searching the media view in terms of a period of time as Fig. 1, which shows the time handle to search the media view in terms of the time periods (Fig. 1).

Claim 23: Rothmuller discloses the application of claim 1, further comprising third instructions for searching the media view in terms of any combination of metadata information (Fig. 1).

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Claim 24: Rothmuller discloses the application of claim 1, wherein the first instructions for generating a media view further provides for instructions for adjusting the area of the periods of time within the media view according to the amount of digital media files in the period of time (page 8, lines 14-21).

Claim 25: Rothmuller discloses the application of claim 24, wherein the first instructions for adjusting the area of the periods of time further comprises adjusting the area of the period of time view so that all of the media files within a period of time are viewable within a display (page 8, lines 4-13).

Claim 26: Rothmuller discloses a method for digital media management in a digital device, the method comprising the steps of:

receiving, at the digital device, a digital media file having metadata associated with the digital media file (page 6, lines 20-27);

transmitting the file to a media diary application that associates the digital media file with a period in time based on the metadata (Page 4, 16-26); and

providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time (Page 3, lines 1-9).

Claim 27: Rothmuller discloses the method of claim 26, further comprising the step of providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view (Page 3, lines 1-9 and Fig. 1).

Claim 28: Rothmuller discloses the method of claim 26, further comprising the step of providing a user the ability to locate digital media files within the media view by movement of a time handle that is displayed in conjunction with the media view as Fig. 1, which shows the time handle to search the media view in terms of the time periods (Fig. 1).

Claim 29: Rothmuller discloses a method for defining media file representation in a media view of a media diary application, the method comprising the steps of:

receiving a media file having associated metadata information (page 6, lines 20-27);

determining a manner in which the media file will be represented in a media view of the media diary (Fig. 1);

presenting the media file as a media file representation in the media view in accordance with the determination of the manner of representation (Page 4, lines 16-18).

Claim 30: Rothmuller discloses the method of claim 29, wherein the step of determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of a thumbnail representing the media file (Page 11, lines 12-20).

Claim 31: Rothmuller discloses the method of claim 29, wherein the step of determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the date column that the representation will reside in (Page 8, Lines 27-31).

Claim 32: Rothmuller discloses the method of claim 29, wherein the step of determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the media view in proportion to the overall viewing area (Page 11, lines 12-20).

Claim 33: Rothmuller discloses the method of claim 29, wherein the step of determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a quantity of the media files represented in a date column (Fig. 1; Page 8, lines 27-31 and Page 9, lines 1-3).

Claim 34: Rothmuller discloses the method of claim 29, further comprising the step of providing the user the ability to locate a media file within the media view by scrolling the media view (Fig. 3 and page 7, lines 27-31).

Claim 35: Rothmuller discloses a digital device, the device comprising: a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media files with a period of time (Fig. 1 and Page 2, Lines 13-19),

second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline (Fig. 1; Page 7, lines 27-31 & page 8, lines 1-3); and

a display in communication with the processing unit that presents, independently, the media view and the timeline view (Fig.1), which shows the combined view of the media view and the timeline view.

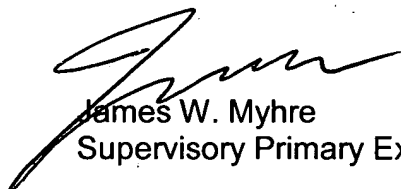
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Kiran K. Shrestha whose telephone number is (571) 270-1691. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre, can be reached on (571) 270-1065. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-3800. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

K.S.
KKS
February 22, 2007


James W. Myhre
Supervisory Primary Examiner